

Application No. 10/622,919

REMARKS

The above-identified patent application has been reviewed in light of the Examiner's Action dated August 29, 2005. Claims 1,8, 9, 14, 15, 17, 19, 20 have been amended and Claims 2 and 3, have been canceled, without intending to abandon or to dedicate to the public any patentable subject matter. Claims 25-29 are new. Accordingly, Claims 1 and 4-29 are now pending. As set out more fully below, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Initially, the undersigned would like to thank the Examiner for the courtesies extended during the telephone conference that was held on October 26, 2005. During that telephone conference, various of the pending rejections under 35 U.S.C. §112, 35 U.S.C. §102 and 35 U.S.C. §103 were discussed. The prior art references cited in the previous Office Action were also discussed. In addition, potential amendments to the claims were discussed. The Examiner suggested that the spool be positively claimed, and that claims 1 and 8 would be allowable with the added limitation that snap elements are on the same side of the strap. No agreement regarding allowable subject matter in the claims as they were pending was reached.

Claims 1, 3, 5, 9, 10, 12, and 13-16 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 3,062,421 to Fleming ("Fleming"). In particular, the Office Action states that these claims are anticipated by Fleming for substantially the same reasons stated in the first Office Action. However, Applicant notes that, these claims are not anticipated by Fleming. In particular, each and every element of the claims rejected under Section 102 cannot be found in Fleming. Therefore, reconsideration and withdrawal of the rejections of Claims 1, 3, 5, 9, 10, 12, and 13-16 are respectfully requested.

Claim 1 recites a fishing line container assembly comprising a spool of fishing line, and a fishing line compartment that includes a first flap having an outer area and an inner area. In addition, Claim 1 recites "at least a first strap including a single strap

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element with both an attached end and an attaching end, wherein said attached end and said attaching end of said single strap element are not separable from one another." That is, a strap that is not comprised of separable pieces is recited. In addition, the first strap has an open state and a closed state, said first strap being usable to join the first spool of fishing line to said first flap when said first strap is in said closed state. The single strap element is also releasably fixed to said first piece of material included in said inner area of said first flap by interconnecting said fastening element included in said attaching end to a fastening element that is one of included in said attached end of said first strap and fixed to said first piece of material included in said inner area of said first flap to form a closed loop.

The Fleming reference does not describe a strap that includes a single strap element with both an attached end and an attaching end. Instead, Fleming discusses a strap 16 having at least two strap elements. The first strap element is fixed to a swingable portion 12 of an inner wall 10 and includes a buckle 18. The second strap element is fastened to the stationary portion of the inner wall 10 and includes holes that can be received in the buckle 18. (Fleming col. 2, ll. 3-10; Fig. 2.) Furthermore, Fleming does not describe a strap with a single strap element having an attached end and attaching end that are both interconnected to an inner area of a first flap when the strap is in an open state, or with an attaching end that is also releasably fixed to the inner area of a first flap when in a closed state to form a closed loop. Instead, Fleming shows two strap elements that are fixed to different portions or flaps, and each can be interconnected to the portion or flap that the other is fixed to by joining the two strap elements together. Fleming does not expressly or inherently describe a single strap element that can form a loop in which both ends of a single strap element are fixed or interconnected to a first (i.e., the same) flap. In addition, Fleming does not disclose a spool of fishing line or a strap that is usable to join a spool of fishing line to a flap of a fishing line compartment. Therefore, for at

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least these reasons, the rejections of Claim 1 and dependent Claims 2, 3, 5, 9, 10 and 12-16 should be reconsidered and withdrawn.

Claim 8 depends from Claim 1 and additionally recites that "said fastening element at said attaching end of said first strap element comprises a first portion of a snap connection on a first side of said strap and is joined to said fastening element at said attached end of said first strap element to provide said closed state, wherein said fastening element at said attached end of said first strap comprises a second portion of said snap connection on said first side of said strap." Accordingly, amended Claim 8 incorporates the Examiner's suggestions regarding amendments in order to place Claim 8 in condition for allowance. Accordingly, Applicant submits that Claim 8 is allowable and reconsideration and withdrawal of the rejection of Claim 8 are respectfully requested.

Applicant notes that Claim 9 recites "at least a first cover, said at least a first cover fixed to said first flap on a first side of said first strap along a line that is substantially perpendicular to said longitudinal extent of said inner area of said flap and on a second side of said first strap along a line that is substantially perpendicular to said longitudinal extent of said inner area of said flap, wherein a free edge of said at least a first cover that is substantially parallel to said longitudinal extent of said inner area of said flap creates a sleeve or pocket capable of receiving at least a portion of said first strap." Claim 9 is allowable over the cited references for at least the reason that those references do not teach, suggest or describe a first cover forming a sleeve or pocket as claimed. Furthermore, the structure 48 in Fleming cited in the Office Action as disclosing a cover as claimed is more like the zipper of the fishing line compartment 80 than the recited first cover, illustrated in Figs. 3 and 4 of the present application as cover 150, in that it functions to secure a movable element to another element. Accordingly, allowance of Claim 9 is respectfully requested for at least this additional reason.

Applicant also notes that Claim 14 has been amended to clarify that the recited at least a first access hole is located entirely within a perimeter of a piece of material

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forming the exterior of the fishing line compartment. The Fleming reference does not disclose a structure that includes an access hole located within a perimeter of a piece of material forming the exterior of the fishing line compartment as claimed. Furthermore, the Office Action cites to a hinge 14 connected to a flap as creating a slot that forms an access hole adjacent the hinged section for receiving fishing line. As noted in the Office Action, any such slot would be adjacent to a piece of material forming the exterior of the fishing line compartment, not within a perimeter of that material. Furthermore, Applicant notes that the hinge 14 shown by Fleming appears to be formed from a continuous piece of flexible material, and therefore does not even show a slot. Accordingly, Claim 14 is allowable for at least the reason that the cited references do not describe an access hole as claimed. Because Claim 14 is not anticipated by the Fleming reference for at least this additional reason, the rejection of Claim 14 should be reconsidered and withdrawn.

Claims 1, 4, 6-8, 11 and 17-24 stand rejected under 35 U.S.C. §103 as obvious. In particular, Claim 4 stands rejected over Fleming in view of U.S. Patent No. 4,759,963 to Uso Jr. et al. ("Uso"), Claims 6-8 and 11 stand rejected as being unpatentable over Fleming, and Claims 1 and 17-24 stand rejected over U.S. Patent No. 2,999,621 to Kiser ("Kiser") in view of U.S. Patent No. 1,201,769 to Schloss ("Schloss"). In order to establish a *prima facie* case of obviousness under Section 103, there must be some suggestion or motivation to modify the reference or to combine the reference teachings, there must be reasonable expectation of success, and the prior art reference or references must teach or suggest all of the claim limitations (MPEP §2143.) The prior art references, whether considered alone or in combination, do not teach, suggest or disclose a fishing line container or a method for facilitating use of fishing line that includes a strap (or use of a strap) as generally recited by the pending claims. Accordingly, the rejections under 35 U.S.C. §103 should be reconsidered and withdrawn.

Claim 4 depends from Claim 1 and recites that the first strap includes a Velcro® strap. The Office Action cites to Uso for showing a Velcro® strap used to retain fishing

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equipment. However, even if the proposed combination of Fleming and Uso is proper, such a combination would not teach, suggest or disclose each and every element of Claim 1. In particular, as described in greater detail above, the Fleming reference does not teach, suggest or disclose all of the elements of claim 1. Furthermore, the Uso reference does not supply the elements missing from the disclosure of Fleming. In particular, Uso discusses a fishing pole fastening device that features a band of non-stretchable material having a Velcro® fastening mechanism to secure the two ends together that is permanently attached crosswise to an elasticized band having a Velcro® fastening mechanism to secure the two ends of that band together. (Uso Abstract.) Accordingly, the rejection of Claim 4 as obvious should be reconsidered and withdrawn.

Claims 6-8 and 11 generally depend from Claim 1. As noted above, the Fleming reference does not anticipate Claim 1. Furthermore, Fleming does not teach, suggest or disclose each and every element of Claim 1, or dependent Claims 6-8 and 11. More particularly, the strap discussed by Fleming functions to interconnect a movable flap 12 to a fixed flap or wall 10. Accordingly, the strap 16, 18 has one element that is fixed to the movable flap 12 and a second element that is fixed to the fixed flap or wall 10. Furthermore, there is no suggestion to modify Fleming such that the strap would have a single strap element and an attached end and an attaching end interconnected to the inner area of a first flap in an open state and also interconnected to the inner area of the first flap in a closed state. In particular, such an arrangement would defeat the purpose of the strap disclosed by Fleming, as it could then no longer function to maintain the movable flap 12 in a closed state. For at least the reason that Fleming does not teach, suggest or disclose a first flap including a single strap element as claimed, the rejections of Claims 6-8 and 11 should be reconsidered and withdrawn.

Claims 17-22 are generally directed to a method for facilitating use of fishing line by a fisher. In particular, Claim 17 recites "providing at least a first spool having a bore and fishing line; [and] providing a fishing tackle pack having at least a first

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"compartment." Claim 17 also recites inserting a strap having an attached end and an attaching end through said bore, wherein said strap is interconnected at said fixed end to an interior surface of said at least a first compartment, and establishing a closed state of said strap and forming a loop by interconnecting said attaching end of said strap to said attached end. In addition, Claim 17 recites threading said fishing line from said first spool through a hole formed through a panel of said at least a first compartment for use by the fisher.

The Kiser reference is generally directed to a foldable tackle box. Arms 46 have one end secured to a surface of a tray 28. The free end of each arm 46 is parallel to and spaced outwardly from the sheet 42, and the arms 46 of each set are laterally spaced with respect to one another. (Kiser, col. 3, ll. 17-27.) Accordingly, the arrangement discussed by Kiser holds a spool of line in position by providing a pair of arms 46 that act against a first planar side surface of the spool such that the second planar side surface of the spool is held against the surface of a tray (sheet 42).

The Schloss reference is generally directed to a display mount. In particular, the display mount of Schloss discusses two pairs of slits that are parallel to one another and separated by a distance corresponding to the diameter of the annular article of merchandise to be supported in place (Schloss, ll. 41-46.) An elongated tongue is threaded through the slits to frictionally retain the article in place. (Schloss, ll. 50-55; Figs. 2 and 3.) Schloss notes that "the only essential being that there shall be two points of attachment which shall respectively lie between the slits 2, 2^a and 3, 3^a." (Schloss, ll. 60-63; Fig. 1. (emphasis added).)

Even if the proposed combination of Kiser and Schloss is proper, such a combination does not teach, suggest or disclose each and every element of Claims 1 and 17-24. For example, the cited references do not teach, suggest or disclose a strap having an open state and a closed state or a single strap element with an attached end and an attaching end as recited by Claim 1. Instead, Kiser describes a pair of arms with no

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"attaching ends," and Schloss describes a flexible tongue threaded into slits with no disclosure of interconnecting two ends of a strap to one another. In addition the cited references do not teach, suggest or disclose threading fishing line from a spool through a hole formed through a panel of a compartment as recited by amended Claim 17. Accordingly, for at least these reasons, Claims 17-22 are not obvious, and the rejections of these claims should be reconsidered and withdrawn.

New claims 25-29 should be allowed over the cited references. For example, Claim 25 recites a fishing tackle pack that includes a first compartment including at least first and second panels joined to one another along a first seam. Claim 25 additionally recites a first strap that includes a first end fixed to said first panel, a second end that is joined to said first panel through said first end, and a fastening element at said second end. As noted above, the Fleming reference is limited to a two piece strap for joining different flaps to one another, and therefore does not teach suggest or disclose a strap as claimed. Claim 25 also recites a first access hole in a perimeter of said second panel. Applicant notes that a hole in a perimeter of a panel is not a gap between panels. Accordingly, the recited access hole is not taught or suggested by incidental gaps between structures found in the Fleming reference. Claim 25 further recites a cover fixed to said first panel along at least first and second parallel lines that are perpendicular to said first seam, wherein at least a first free edge portion of said cover is formed between said first and second parallel lines. Applicant notes that such a cover is not taught suggested or disclosed by any of the cited references.

Claim 26 depends from Claim 25, and recites additional patentable subject matter. In particular, Claim 26 recites that the first access hole formed in a perimeter of the second panel is round. Claim 27 depends from Claim 26 and recites that a perimeter of said first access hole defined by a grommet. There is no teaching, suggestion or disclosure in any of the cited references of a round hole, or a round hole having a

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perimeter defined by a grommet in a fishing tackle pack as set forth in these claims. Therefore, Claims 26 and 27 should also be allowed for these additional reasons.

Claim 28 recites a second strap and a second access hole. As noted above, the cited references do not disclose even a single strap or access hole as claimed.

Accordingly, there is no teaching, suggestion or disclosure of multiple straps and access holes as claimed in Claim 28.

Claim 29 depends from Claim 28, and additionally recites a second compartment, wherein said second panel of said first compartment is fixed to a first panel of said second compartment along a second seam that is parallel to said first seam, wherein said first panel of said first compartment comprises a first flap. In addition, Claim 28 recites a zipper, wherein in a closed state of said zipper an end of said first flap opposite said first seam is joined to said second compartment, wherein in an open state said end of said first flap opposite said first seam is free, and wherein in said closed state said cover is completely contained within said first compartment. There is no teaching, suggestion, or disclosure of a fishing tackle pack as recited by Claim 29. For example, in addition to the elements of Claims 25 and 28 that are not taught, suggested or disclosed by the cited references, those references do not teach, suggest or disclose a cover that is completely contained within a compartment when that compartment is zippered shut. Accordingly, Claim 29 should be allowed.

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The application now appearing to be in form for allowance, early notification of the same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

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